

zfu

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

10/517,903

Filing Date

December 10, 2004

First Named Inventor

WILLITS et al.

Art Unit

2124

Examiner Name

TBA

Attorney Docket Number

70058USPCT

ENCLOSURES (Check all that apply)

- | | | |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Return PostCard |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | 18 reference documents; Form 1449; |
| | <input type="checkbox"/> Landscape Table on CD | International Search Report; European Search Report |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Syngenta Biotechnology, Inc.		
Signature	<i>Edouard G. Lebel</i>		
Printed name	Edouard Lebel, Agent for Application		
Date	JANUARY 11, 2006	Reg. No.	43,742

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Oksana Buynitzky</i>		
Typed or printed name	Oksana Buynitzky	Date	1/11/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WILLITS et al

Serial. No.: 10/517,903

Filed: December 10, 2004

For: FLAVONOL EXPRESSING
DOMESTICATED TOMATO AND
METHOD OF PRODUCTION

Art Unit: 2124

Examiner: TBA

Atty Docket: 70058USPCT

Confirmation No.: 4683

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449. The items listed on the enclosed Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. In accordance with the United States PTO Official Gazette Notice of August 5, 2003, copies of all cited references except U.S. patents and U.S. patent applications are enclosed herewith.

The submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

Also enclosed are copies of the International Search Report and Supplementary European Search Report.

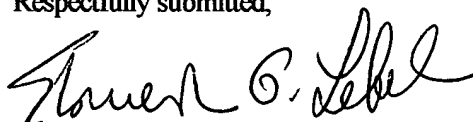
Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

The Examiner is requested to consider the foregoing information in relation to this application and to indicate that each reference was considered by returning a copy of the initialed PTO 1449 forms.

In accordance with 37 CFR §1.97(b)(3), no fee is believed to be required for consideration of this statement because it is being submitted before the mailing date of a first Office Action on the merits. However, the Commissioner is authorized to charge any fee under 37 C.F.R. §1.17 that may be required, to Deposit Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Respectfully submitted,



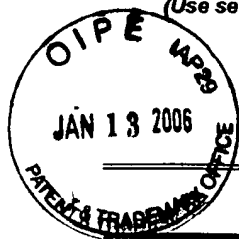
Edouard G. Lebel, Ph.D.
Agent for Applicants
Registration No 43,742

Syngenta Biotechnology, Inc.
P. O. Box 12257
3054 East Cornwallis Road
Research Triangle Park, NC 27709-2257
Telephone: 919-765-5117

Date: JANUARY 11, 2006

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.
70058USPCT
APPLICATION NO.
10/517903
APPLICANT
WILLITS, M.
FILING DATE:
December 10, 2004Confirmation No.
4683
Group
2124

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	B	WO 00/04175	01/27/2000	WIPO	C12N	15/82	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	C	WO 00/37652	06/29/2000	WIPO	C12N	15/53	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	D	WO 00/53771	09/14/2000	WIPO	C12N	15/53	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	E	WO 99/14351	03/25/1999	WIPO	C12N	15/82	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	F	WO 99/37794	07/29/1999	WIPO	C12N	15/82	<input type="checkbox"/>	<input checked="" type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

G	Bino et al, <i>The ligh-hyperresponsive high pigment-2(dg) Mutation of Tomato: alterations in the fruit metabolome</i> , <i>New Phytologist</i> , Vol. 166, No. 2 (May 2005) pp. 427-438
H	Bovy et al., <i>High-flavonol tomatoes resulting from the heterologous expression of the naize transcription factor genes LC and C1</i> , <i>The Plant Cell</i> , Vol. 14, (2002), pp. 2509-2526
I	Cook et al., <i>Flavonoids – Chemistry, metabolism, cardioprotective effects, and dietary sources</i> , <i>Nutritional Biochemistry</i> , Vol. 7, (1996), pp.66-76
J	Crozier et al, <i>Quantitative analysis of the flavonoid content of commercial tomatoes, onions, lettuce, and celery</i> , <i>Journal of Agricultural and Food Chemistry</i> , Vol. 45, No. 3 (1997) pp. 590-595
K	Eshed et al, <i>A Genome-wide Search for Wild Species Alleles that Increase Horticultural Yield of Processing Tomatoes</i> , <i>Theoretical and Applied Genetics</i> , Vol. 93, No. 5/6 (1996) pp. 877-886
L	Eshed et al, <i>Less-Than-Additive Epistatic Interactions of Quantitative Trait Loci in Tomato</i> , <i>Genetics</i> , Vol. 143 (August 1996) pp. 1807-1817

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.
70058USPCT
APPLICATION NO.
10/517903
APPLICANT
WILLITS, M.
FILING DATE:
December 10, 2004

Confirmation No.
4883
Group
2124

M	Muir et al. <i>Overexpression of petunia chalcone isomerase in tomato results in fruit containing increased levels of flavonols</i> , <i>Nature Biotechnology</i> , Vol. 19, (2001), pp. 470-474
N	Rice-Evans et al., <i>The Relative Antioxidant Activities of Plant-derived Polyphenolic Flavonoids</i> , <i>Free Radical Research</i> , Vol. 22, (1995), pp. 375-383
O	Rice-Evans et al., <i>Antioxidant properties of phenolic compounds</i> , <i>Trends in Plant Science</i> , Vol. 2, (1997), pp. 152-159
P	Stewart et al., <i>Occurrence of Flavonols in Tomatoes and Tomato-Based Products</i> , <i>Journal of Agricultural and Food Chemistry</i> , Vol. 48, (2000), pp. 2663-2669
Q	Verhoeven et al., <i>Increasing antioxidant levels in tomatoes through modification of the flavonoid biosynthetic pathway</i> , <i>Journal of Experimental Botany</i> , Vol. 53, No. 377, (2002), pp. 2099-2106
R	Willits et al., <i>Utilization of the Genetic Resources of Wild Species to Create a Nontransgenic High Flavonoid Tomato</i> , <i>Journal of Agricultural and Food Chemistry</i> , Vol. 53, No. 4 (February 23, 2005) pp. 1231-1236
S	Yen et al., <i>The tomato high-pigment (hp) locus maps to chromosome 2 and influences plastome copy number and fruit quality</i> , <i>Theoretical and Applied Genetics</i> , Vol. 95, No. 7 (November 1997) pp. 1069-1079

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.